THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

Writ Petition No.7324 of 2007

Dated 10-04-2007

Between:

Koppavaram Primary Agricultural Cooperative Credit Society and another.

…Petitioners

And

The Government of Andhra Pradesh, and others.

…Respondents

THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

Writ Petition No.7324 of 2007

ORDER:

The 1st petitioner is a Koppavaram Primary Agricultural Co-operative Society. Another society, by name, Mahendrawada Primary Agricultural Co-operative Society, was merged into the petitioner-society. The 2nd respondent initiated proceedings under the Andhra Pradesh Co-operative Societies Act, 1964, for recovery of certain amount from the merged society. On the basis of a recovery certificate issued in its favour, the 3rd respondent issued notice, dated 01.03.2007, proposing to sell a plot of 660 square yards, in House No.9-115, situated at Mahendrawada Village of Anaparthy Mandal. The petitioners challenge the same, on several grounds.

Heard the learned Counsel for the petitioners and the learned Standing Counsel for respondent No.2.

It is seriously contended that the petitioner-society was not put on notice, either before the recovery certificate was issued, or before the present proceedings were initiated. In the impugned notice, reference is made to merger of Mahendrawada PACS with the petitioner-society. However, the record does not disclose that any notice was issued to the petitioner-society. Be that as it may, in case the petitioners find that the proceedings initiated by the 2nd respondent suffer from any illegality, or infirmity, they can prefer an appeal before the A.P. Co-operative Tribunal, of competent jurisdiction. This Court cannot undertake adjudication into the disputed questions of fact, at this stage. Inasmuch as the auction is proposed to be held tomorrow, the interests of the parties can be protected by directing the postponement of auction, subject to certain conditions.

Hence, the Writ Petition is disposed of, leaving it open to the petitioners to work out the remedies against the impugned notice, or the recovery certificate, in accordance with law. In the meanwhile, the

auction proposed to be held on 11.04.2007 shall stand stayed, on condition that the petitioners deposit a sum of Rs.3,00,000/- (Rupees three lakhs only), within three weeks, from today. There shall be no order as to costs.

L. NARASIMHA REDDY, J.

Dt.10-04-2007.

Note: Issue operative portion by wire at party's costs.

(B/o)

GJ